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10/075,421	02/14/2002	Malvin A. Nezat II	NEZ002PU	7555

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EXAMINER

PRINCE, FRED G

ART UNIT

PAPER NUMBER

1724

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3

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/075,421	NEZAT, MALVIN A.
	Examiner Fred Prince	Art Unit 1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

#### A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 14 February 2002.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-18 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 6-8, 11, 13, 14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by McBurney et al.

McBurney et al. teach a separation tank (61), an intake assembly including a hose (55, 56, 59, 60) and a flow control valve (56), an outlet system assembly including a hose (62) and a centrifugal pump (70), wherein the tank, outlet assembly and intake assembly form an airtight unit (col. 5, lines 27-30).

3. Claims 14, 16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Raymond.

Raymond teaches placing the inlet of an intake assembly into a slurry (page 2, lines 38-40) conveying a slurry to a mobile separation tank (11), the intake assembly including a hose (20), extracting decante liquid via an outlet system assembly including a hose (18) and a hydraulic pump (15), and releasing the liquid at a desired location.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3, 5, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over McBurney et al. in view of Raymond.

McBurney et al. is described above. McBurney et al. do not disclose using a hydraulic pump, a valve on the pump outlet, or using a mobile carrier.

Raymond discloses providing an apparatus with a hydraulic pump and mobile carrier in order to convey water to a desired location (page 1, lines 46-51 and 89-91; page 2, lines 54-58), and discloses providing a valve (38) on the outlet in order to control water to various locations (page 2, lines 26-28).

It would have been obvious for the skilled artisan to have modified the apparatus of McBurney et al. such that it includes a hydraulic pump and mobile carrier in order to convey water to a desired location a valve on the outlet assembly in order to control water to various locations, as suggested by Raymond.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over McBurney in view of Moore.

McBurney et al. is described above. McBurney et al. do not disclose using a pneumatic pump.

Moore teaches an apparatus with a pneumatic pump (9) in order to convey water to a desired location (col. 2, lines 6-8; col. 3, lines 6-10).

It would have been obvious for the skilled artisan to have modified the apparatus of McBurney et al. such that it includes a pneumatic pump in order to convey water to a desired location, as suggested by Moore.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over McBurney et al. in view of Sheppard et al. (US Pat No 5,336,333).

McBurney et al. is described above. McBurney et al. do not disclose a pump on the intake assembly.

Sheppard et al. ('333) disclose providing a pump (16) on the intake assembly in order to convey a slurry from a source to a separator (20).

It would have been obvious for the skilled artisan to have modified the apparatus of McBurney et al. such that it includes a pump on the intake assembly in order to convey a slurry from a source to a separator, as suggested by Sheppard et al.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over McBurney et al.

McBurney et al. is described above. McBurney et al. do not explicitly disclose that the intake and outlet assemblies are removable.

It is well within the purview of the skilled artisan to have removable intake and outlet assemblies in order to be able to replace the assemblies in the event that the assemblies become clogged or worn. Accordingly, it would have been obvious for the skilled artisan to have made the intake and outlet assemblies of McBurney et al. removable in order to be able to replace the assemblies in the event that the assemblies become clogged or worn.

9. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raymond.

Raymond is described above. Raymond does not explicitly disclose that the intake and outlet assemblies are removable.

It is well within the purview of the skilled artisan to have removable intake and outlet assemblies in order to be able to replace the assemblies in the event that the assemblies become clogged or worn. Accordingly, it would have been obvious for the skilled artisan to have made the intake and outlet assemblies of Raymond removable in order to be able to replace the assemblies in the event that the assemblies become clogged or worn.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References are cited of interest to show the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Prince whose telephone number is (703) 306-9169. The examiner can normally be reached on Monday-Thursday, 6:30-4:00; alt. Fridays 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine R. Copenheaver can be reached on (703) 308-1261. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Art Unit: 1724

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

*Fred G. Prince*  
**FRED G. PRINCE**  
**PRIMARY EXAMINER**

July 1, 2003